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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte APURVA KUMAR and AAMER IQBAL RANA

Appeal 2016-007178
Application 13/095,251
Technology Center 3600

Before JEAN R. HOMERE, ERIC B. CHEN, and
JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–6, 8, 10, 12–23, 25, and 27, which constitute all claims pending in this application.¹ App. Br. 5. Claims 7, 9, 11, 24, and 26 have been cancelled. Claims App’x. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify the real party in interest as International Business Machines Corporation. App. Br. 3.

Introduction

According to Appellants, the claimed subject matter relates to a method and system for allowing a service provider to charge a customer's account, such as to authorize the customer to access requested content at a mobile content provider. Spec. ¶¶ 1, 2. In particular, upon receiving from the customer (304) a request (including the customer's mobile number) to purchase selected content (312), the content provider (306) registers the request along with a newly generated personal identification number (PIN), which are forwarded to the service provider (308) for subsequently charging to the customer's account the requested transaction. *Id.* ¶¶ 6, 44, 45, Fig. 3. Upon receiving from the service provider an SMS message including the authorization code authorizing or declining the requested transaction, the content provider activates a link previously provided to the customer so as to permit or block the customer's access to the requested content. *Id.*

Representative Claim

Independent claim 1 is representative, and reads as follows:

1. A method comprising:
 - utilizing at least one processor to execute computer code configured to perform the following steps at a charging service provider:
 - receiving notice of a customer request for content of a third party content provider;
 - generating an authorization code on behalf of the content provider and returning the authorization code to the customer via a channel independent of the third party content provider;
 - accepting the authorization code from the third party content provider once the third party content provider receives the authorization code from the customer;
 - verifying the authorization code;
 - executing charging for the requested content; and
 - availing the requested content to the customer via:

receiving a communication originating from the third party content provider, the communication comprising a link which avails customer access to the requested content; and
blocking customer access to the requested content until said verifying of the authorization code, via controlling access to a URL of the third party content provider, the URL comprising the link which avails customer access to the requested content;
wherein the requested content comprises content availed to the customer via a message containing the URL, the message comprising the communication originating from the third party content provider and the URL comprising the link which avails customer access to the requested content;
said blocking comprising:
holding the message at the charging service provider; and
releasing the message to the customer subsequent to:
said generating and returning of the authorization code; and
said accepting of the authorization code.

Rejection on Appeal²

Claims 1–6, 8, 10, and 12–23, 25, and 27 stand rejected under 35 U.S.C. § 101 as being directed to patent ineligible subject matter. Final Act. 2–3.

² The Examiner withdrew the prior art rejections previously entered against the claims on appeal. *See* Adv. Act. (mailed Aug. 18, 2015).

ANALYSIS

We consider Appellants' arguments *seriatim*, as they are presented in the Appeal Brief, pages 12–18, and the Reply Brief, pages 11–18.³

Appellants argue the Examiner erred in concluding that claims 1–6, 8, 10, 12–23, 25, and 27 are merely directed to the abstract idea of “blocking customer access to . . . requested content until . . . verifying of [an] authorization code.” App. Br. 14 (citation omitted). In particular, Appellants argue because independent claims 1, 21, and 22 recite at least a processor and/or a computer readable storage medium to carry out the steps recited therein, the underlying subject matter cannot be directed to mere abstract idea. *Id.* As such, Appellants submit that the claims as a whole recite significantly more than the abstract idea. *Id.* at 15. According to Appellants, an abstract idea itself cannot be fairly associated with the limitations: “requested content comprising content availed to a customer via a message containing a URL, the message comprising a communication originating from a third party content provider; and the URL comprising a link which avails customer access to the requested content.” *Id.* at 15–16. Likewise, Appellants argue that an abstract idea cannot be fairly associated with certain embodiments of the invention described in the Specification that

³ Rather than reiterate all of Appellants' arguments and all of the Examiner's findings, we refer to the Appeal Brief (filed Nov. 18, 2015) (“App. Br.”), the Reply Brief (filed July 18, 2016) (“Reply Br.”), and the Examiner's Answer (mailed May 18, 2016) (“Ans.”) for the respective details. We have considered in this Decision only those arguments Appellants actually raised in the Briefs. Any other arguments Appellants could have made but chose not to make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2012).

help inform a clearer understanding of the claimed elements (*id.* (citing Spec. ¶¶ 46–76)).

These arguments are not persuasive. The U.S. Supreme Court provides a two-step test for determining whether a claim is directed to patent-eligible subject matter under 35 U.S.C. § 101.⁴ In the first step, we determine whether the claims are directed to one or more judicial exceptions (i.e., laws of nature, natural phenomenon, and abstract ideas) to the four statutory categories of invention. *Alice Corp.*, 134 S. Ct. at 2355 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66 (2012)). In the second step, we “consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*, 566 U.S. at 78–79). In other words, the second step is to “search for an ‘inventive concept’—*i.e.*, an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’” *Id.* (alteration in original) (quoting *Mayo*, 566 U.S. at 72–73).

At the outset, we note Appellants do not dispute the Examiner’s conclusion that the field of the claimed subject matter pertains generally to the abstract idea of a third party providing requested content access to a customer upon receiving verification/authorization from a service provider. App. Br. 15, Ans. 3. Further, we do not agree with Appellants that the claimed third party verification and content access authorization are directed

⁴ *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014).

to significantly more than the abstract idea itself. App. Br. 16. Although the claims recite computer-readable storage medium, and a computer system, these components are claimed and described in the Specification with broad, general terms, rather than specific language characterizing these recitations as particular devices or even as general purpose devices modified using particular algorithms. *See, e.g.*, Spec. ¶¶ 46–76. Furthermore, although the claim recites a content provider providing the customer with a URL to access the requested document, the use of the URL does not, *per se*, remove the claimed invention out of the realm of a mere abstract idea because the URL simply involves the conventional use of a computer to facilitate access to the requested data. Additionally, we agree with the Examiner that the recited functions of receiving data, generating data, verifying data, executing data, blocking access, and releasing data are generic functions routinely performed by a computer. Ans. 4. *See, e.g., Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016) (claims directed to collection, manipulation, and display of data); *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1370 (Fed. Cir. 2015) (customizing information and presenting it to users based on particular characteristics); *Content Extraction and Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014) (“collecting data, . . . recognizing certain data within the collected data set, and . . . storing that recognized data in a memory”). Therefore, the claimed subject matter pertains to the well-known practices of employing a computer to determine whether a service provider approves the charge associated with a customer’s request before the computer can permit the customer to access data at the content provider’s location. Thus, we agree with the Examiner that the

elements of claim 1 do not amount to “significantly more” than the abstract idea of using a computer to facilitate third party charging authorization for mobile services providers or that they do not add any meaningful limitations beyond generally linking the abstract idea to the particular technological environment. *Id.* at 9.⁵ Accordingly, we affirm the Examiner’s patent ineligible subject matter rejection of claim 1, as well as claims 2–6, 8, 10, 12–23, 25, and 27, which were rejected on the same basis.

DECISION

For the above reasons, we affirm the Examiner’s patent ineligible subject matter rejection of claims 1–6, 8, 10, 12–23, 25, and 27.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

⁵ Considerations for determining whether a claim with additional elements amounts to “significantly more” than the judicial exception itself include improvements to another technology or technical field (*Alice Corp.*, 134 S. Ct. at 2359–60 (citing *Diamond v. Diehr*, 450 U.S. 175, 177–78 (1981))); adding a specific limitation other than what is well-understood, routine, and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application (*Mayo*, 566 U.S. at 82, 87); or other meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment (*Alice Corp.*, 134 S. Ct. at 2360). *See, e.g., Intellectual Ventures I*, 792 F.3d at 1370 (“[M]erely adding computer functionality to increase the speed or efficiency of the process does not confer patent eligibility on an otherwise abstract idea”).